

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

15-CR-179-G

DONALD GARDNER, JR.,

Defendant.

STATEMENT OF THE GOVERNMENT
WITH RESPECT TO SENTENCING FACTORS

PLEASE TAKE NOTICE that the government hereby adopts all findings of the Presentence Report with respect to sentencing factors in this action.

Should the defendant present any letters of support or sentencing statement to the Court, the United States will move to strike the items from the record if this office is not provided copies at least three (3) business days before sentencing.

The defendant is required by 18 U.S.C. § 3013 to pay the sum of \$100 (the special assessment for the offense of conviction), and \$5,000 (Count 1 of the Superseding Information – Justice for Victims of Trafficking Act of 2015), at sentencing. Immediately after sentencing, the defendant must pay the amount due by personal check, cashier's check or certified funds to the United States District Court Clerk.

It is requested that the Court order all financial obligations be due immediately. In the event the defendant lacks the ability to pay the financial obligations in full immediately, it is requested that the Court set a schedule for payment of the obligations.

In the event present counsel for the defendant will continue to represent him after sentencing concerning collection of unpaid financial obligations, a letter so advising is requested to be sent to:

Asset Forfeiture/Financial Litigation Unit
U.S. Attorney's Office WDNY
138 Delaware Avenue
Buffalo, New York 14202

If a letter is not received within 10 days of sentencing, the defendant will be contacted directly regarding collection of the financial obligations.

Upon the ground that the defendant assisted authorities in the investigation or prosecution of his misconduct by timely notifying authorities of his intention to enter a plea of guilty, thereby avoiding trial preparation and permitting the government and the Court to

allocate resources efficiently, the government hereby moves to apply the additional 1-level downward adjustment for acceptance of responsibility under USSG § 3E1.1(b).

DATED: Buffalo, New York, March 30, 2018.

JAMES P. KENNEDY, JR.
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